

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

WASHINGTON HEALTH CARE
ASSOCIATION, a Washington non-profit
corporation, et al.,

Plaintiffs,

v.

SUSAN N. DREYFUS, Secretary of the
Washington State Department of Social and
Health Services, et al.,

Defendants.

NO. C09-5395RBL

**ORDER GRANTING
DEFENDANTS' MOTION
TO DISMISS BASED ON
MOOTNESS**

This matter came before the Court on the Defendants' Motion to Dismiss Based on Mootness, dated June 16, 2010 ("Motion"). The Court has considered the pleadings, briefs, and submissions of counsel, including the following:

1. The Motion, including all supporting declarations and exhibits;
2. The plaintiffs' response to the Motion ("Response"), including all supporting declarations and exhibits; and
3. The defendants' reply to the Response, including all supporting declarations and exhibits.

1 In addition, the Court heard oral argument from counsel on July 9, 2010.

2 Based on the foregoing, the Court has determined that the Motion should be **granted**.

3 The Complaint for Declaratory and Injunctive Relief [Dkt. 1] (“Complaint”) was
 4 sparked by a proposed payment cut to nursing facilities enacted by the Washington Legislature
 5 in 2009. *See* Order Granting Plaintiffs’ Motion for Temporary Restraining Order [Dkt. 28],
 6 p. 2 (lines 1-6). The cut would have affected Medicaid rates for state fiscal year 2010 (the
 7 period of July 1, 2009, through June 30, 2010). *Id.* The cut was to a statewide weighted
 8 average rate known as the “budget dial.” *Id.*

9 In 2009, the Legislature set the budget dial at \$156.37. *Id.*; *see* Wash. Laws 2009,
 10 ch. 564, § 206(1). But in 2010, the Legislature reversed course, increasing the budget dial for
 11 the fiscal year to \$169.85. *See* Wash. Laws 2010, ch. 37, § 206(1).

12 The Governor signed the budget-dial increase into law on May 4, 2010. *See* Certificate
 13 of Enrollment of Supplemental Operating Budget dated May 4, 2010. The budget-dial increase
 14 took effect immediately upon the Governor’s signature. *See* Wash. Laws 2010, ch. 37, § 958.
 15 As a result, the State is no longer attempting to cut Medicaid payment rates to nursing facilities
 16 for fiscal year 2010.

17 The facts that led to the lawsuit simply no longer exist. The case has become moot,
 18 because the issues presented in the Complaint are no longer live. The actions of the
 19 Washington Governor and Legislature in 2010 prevent the Court from granting any further
 20 relief with respect to the Complaint.

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1 NOW, THEREFORE, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss
2 Based on Mootness is GRANTED. The Complaint is hereby dismissed with prejudice.

3 DATED this 30th day of July, 2010.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE

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8 Presented by:

9 ROBERT M. MCKENNA
10 Attorney General

11 s/ WILLIAM T. STEPHENS
12 WILLIAM T. STEPHENS, WSBA No. 24254
13 R. TIMOTHY CRANDELL, WSBA No. 12178
Assistant Attorneys General
Attorneys for Defendants

14 Office of the Attorney General
15 P.O. Box 40124
Olympia, WA 98504-0124
16 Phone: 360-586-6565
Fax: 360-586-6659
Attorneys' E-mail Addresses:
17 [bills3 @atg.wa.gov](mailto:bills3@atg.wa.gov)
18 [timc1 @atg.wa.gov](mailto:timc1@atg.wa.gov)
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